

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF NETWORK AMERICA,)
INCORPORATED FOR A CERTIFICATE TO) CASE NO. 96-022
RESELL TELECOMMUNICATIONS SERVICE)

O R D E R

On January 26, 1996, Network America, Incorporated ("Network America") filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky. Deficiencies in the application were cured on February 6, 1996. On April 8, 1996, Network America filed its response to the Commission's March 18, 1996 Order requesting additional information.

In its April 8, 1996 filing, Network America admitted that, in violation of KRS 278.020(1) and KRS 278.160(2), incidental intrastate telecommunications traffic, amounting to \$98.14, occurred in Kentucky prior to obtaining certification from this Commission. On May 6, 1996, Network America offered to refund the amount collected and pay a \$100 penalty to the Kentucky State Treasurer to resolve this issue. The Commission finds that the proposed settlement is lawful and reasonable and should be accepted.

Network America is an Indiana corporation with its principal office in the state of Indiana and intends to resell tariffed services of facilities-based carriers certified by this Commission.

Network America does not own or operate, nor does it intend to construct, any telecommunications transmission facilities within the Commonwealth of Kentucky. All intrastate telecommunications transmission services will be provided by an underlying carrier certified by this Commission.

The application provided by Network America demonstrates its financial, managerial, and technical capability to provide utility service. The Commission finds that Network America should be authorized to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky.

Network America filed its proposed tariff on January 26, 1996. In response to the Commission's request for additional information, Network America filed revised tariff sheets on April 8, 1996. The Commission finds that the rates proposed by Network America, as revised on April 8, 1996, should be approved as the fair, just, and reasonable rates to be charged.

In Administrative Case No. 306,¹ the Commission stated the importance of eliminating possible customer confusion arising from the name of the billing service, rather than the name of the provider of telecommunications services, appearing on the bill. Accordingly, Network America should ensure that its name appears prominently on all bills issued to customers for services rendered.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, **HEREBY ORDERS** that:

¹ Administrative Case No. 306, Detariffing Billing and Collection Services, Order Dated April 30, 1990.

1. Network America be and it hereby is granted authority to resell intrastate interexchange long-distance telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.

2. Network America shall ensure that its name appears prominently on all bills issued to customers for services rendered.

3. Network America's authority to provide service is strictly limited to those services described in this Order and Network America's application.

4. IntraLATA services shall be provided in accordance with the restrictions and conditions of service contained in Administrative Case No. 323.²

5. The rates proposed by Network America on January 26, 1996, as revised on April 8, 1996, are hereby approved.

6. Within 30 days from the date of this Order, Network America shall file, pursuant to 807 KAR 5:011, its January 26, 1996 tariff sheets, as revised on April 8, 1996, and amended pursuant to this Order.

7. The refund of total intrastate revenues, amounting to \$98.14, received from customers and payment of a \$100 penalty to settle all issues related to its alleged violations of KRS 278.020(1) and KRS 278.160(2) is hereby accepted.

8. Within 30 days of the date of this Order, Network America shall make, and submit evidence of, all refunds agreed to herein and shall pay \$100 by certified or cashier's check made payable to "Treasurer, Commonwealth of Kentucky." The check shall be

² Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality.

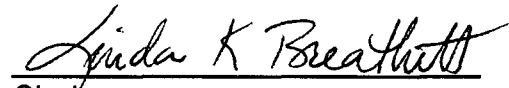
delivered to Office of General Counsel, Public Service Commission of Kentucky, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky, 40602.


9. On Original Sheet 10 of the tariff, Section 2.9.3. amend the language to be consistent between \$10.00 and \$20.00.

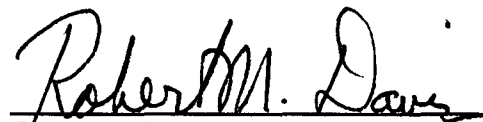
10. In order to comply with 807 KAR 5:006, Sections 6(3) and 13(1)(a), respectively, amend the tariff by including a billing format or its contents and list in the bill format a toll-free number or method for accepting collect calls for customer inquiries.

Done at Frankfort, Kentucky, this 13th day of June, 1996.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director